

## SECOND DIVISION

[ G.R. No. 157723, April 30, 2009 ]

**ROMEO SAYOC Y AQUINO AND RICARDO SANTOS Y JACOB,  
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### D E C I S I O N

**TINGA, J.:**

This petition assails the Decision<sup>[1]</sup> dated 30 January 2002 of the Court of Appeals which affirmed the Decision<sup>[2]</sup> dated 25 November 1999 of the Regional Trial Court finding the accused guilty beyond reasonable doubt for violation of Presidential Decree No. 532, otherwise known as the Anti-Highway Robbery Law of 1974, and the Resolution<sup>[3]</sup> dated 14 October 2002 denying the motion for reconsideration.<sup>[4]</sup>

The facts, culled from the records, are as follows:

In the afternoon of 4 March 1999, Elmer Jaen (Jaen) was aboard a bus when a fellow passenger announced a hold-up. Three (3) persons then proceeded to divest the passengers of their belongings. Under knife-point, purportedly by a man later identified as Ricardo Santos (Santos), Jaen's necklace was taken by Santos' cohort Teodoro Almadin (Almadin). The third robber, Romeo Sayoc (Sayoc), meanwhile, reportedly threatened to explode the hand grenade he was carrying if anybody would move. After taking Jaen's two gold rings, bracelet and watch, the trio alighted from the bus.

PO2 Remedios Terte (police officer), who was a passenger in the same bus, ran after the accused, upon hearing somebody shouting about a hold-up. Sayoc was found by the police officer hiding in an "owner-type" jeep. The latter instructed Jaen to guard Sayoc while she pursued the two robbers. Sayoc was then brought to the police station.

A few hours later, barangay officials arrived at the police station with Santos and Almadin. They reported that the two accused were found hiding inside the house of one Alfredo Bautista but were prevailed upon to surrender.

The victim's bracelet was recovered from Santos while the two rings were retrieved from Almadin.

On 8 March 1999, an information was filed against the accused in the Regional Trial Court of Quezon City, which reads:

Criminal Case No. Q-99-81757

That on or about the 4<sup>th</sup> day of March 1999 in Quezon City, Philippines, the above-named accused armed with [a] deadly weapon[,] conspiring, confederating with and mutually helping one another with intent to gain

and by means of force and intimidation against person [sic] did then and there [willfully], unlawfully and feloniously rob one ELMER JAEN Y MAGPANTAY in the manner as follows: said accused pursuant to their conspiracy boarded a passenger bus and pretended to be passengers thereof and upon reaching EDSA Balintawak[,] a public highway, Brgy. Apolonio Samson, this city,[sic] announce the hold-up and with the use of a knife poked[,] it against herein complainant and took, robbed and carried away the following:

One gold bracelet	P20,000.00
Two gold rings	8,000.00
One Guess watch	4,000.00
Total	P32,000.00

Belonging to Elmer Jaen y Magpantay in the total amount of P32,000.00 Philippine Currency to the damage and prejudice of said offended party in the aforementioned amount of P32,000.00 Philippine Currency.

#### CONTRARY TO LAW<sup>[5]</sup>

When arraigned, petitioners pleaded not guilty. After arraignment however, Almadin "jumped bail."

Santos denied knowing his co-accused and his complicity in the hold-up. He declared that he was engaged in a drinking session with his *kumpare* Alfredo Bautista when he went up to the comfort room to relieve himself. He was suddenly dragged by the *barangay* officials, who hit him in the head rendering him unconscious. He was later brought to a hospital for treatment.

For his part, Sayoc disclaimed knowing the other accused. He claimed to be a passenger on the said bus when the hold-up was announced. Upon seeing a person holding a gun, he immediately descended from the bus. According to Sayoc, he entered a street where vehicles were passing. As the persons who were running passed by him, he went to the side and stood up behind a wall. Soon thereafter, he was apprehended by a police officer.

On 25 November 1999, the RTC rendered judgment against the petitioners and sentenced them to suffer imprisonment from twelve (12) years and one (1) day of *reclusion temporal*, as minimum to seventeen (17) years, four (4) months and one (1) day of *reclusion temporal*, as maximum. They were also ordered to pay jointly and severally the amount of P4,500.00 to the victim.<sup>[6]</sup>

The trial court gave full credence to the testimonies of the prosecution. It noted that the defenses raised by petitioners, which were not corroborated, cannot prevail over the clear and positive identification made by the complainant. The trial court also pointed out that the prosecution's witnesses "did not have any motive to perjure against the petitioners."

Petitioners appealed to the Court of Appeals, ascribing as errors, the conclusions of the trial court on the following issues, namely: (1) the positive identification of the perpetrators; (2) the accordance of evidentiary weight to the conflicting testimonies of the victim and the police officer; (3) the disregard of evidence adduced by Sayoc;

and (4) the failure to declare as illegal the arrest of Santos.<sup>[7]</sup>

On 30 January 2002, the Court of Appeals affirmed the trial court's decision. The appellate court viewed the alleged inconsistencies between the testimonies of the victim and the police officer as a minor variation which tends to strengthen the probative value of their testimonies. Anent the issue of illegal arrest, the appellate court concluded from evidence that Almadin and Santos voluntarily surrendered.<sup>[8]</sup>

In their motion for reconsideration,<sup>[9]</sup> petitioners reiterated that the inconsistencies in the testimonies of the victim and the police officer refer to substantial matters, as they establish the lack of positive and convincing identification of the petitioners. On 14 October 2002, the Court of Appeals issued a Resolution denying the motion for reconsideration for lack of merit.

Petitioners filed the instant petition,<sup>[10]</sup> relying on the same arguments presented before the lower courts. Petitioners again raise as issues the credibility of the prosecution witnesses with respect to the identification of the perpetrators, the legality of their arrest and the failure of the judgment of conviction in stating the legal basis in support thereof.<sup>[11]</sup>

Settled is the rule that in criminal cases in which the penalty imposed is *reclusion temporal* or lower, all appeals to this Court may be taken by filing a petition for review on certiorari, raising only questions of law.<sup>[12]</sup> It is evident from this petition that no question of law is proffered by petitioners. The principal issue involved is the credibility of the prosecution witnesses. It bears stressing that in criminal cases, the assessment of the credibility of witnesses is a domain best left to the trial court judge. And when his findings have been affirmed by the Court of Appeals, these are generally binding and conclusive upon this Court.<sup>[13]</sup> The rationale of this rule lies on the fact that the matter of assigning values to declarations on the witness stand is best and most commonly performed by the trial judge who is in the best position to assess the credibility of the witnesses who appeared before his sala, as he had personally heard them and observed their deportment and manner of testifying during the trial.<sup>[14]</sup> The findings of fact made by the trial court were substantially supported by evidence on record. Therefore, we are constrained not to disturb its factual findings.

Petitioners contend that the identification made by the prosecution witnesses is not positive, clear and convincing. They argue that extreme fear, stress and anxiety may have contributed to the hazy recollection of the victim pertaining to the identification of the perpetrators. With respect to the police officer, on the other hand, petitioners insist that the former did not personally see the petitioners actually committing the crime charged.

Petitioners' weak denial, especially when uncorroborated, cannot overcome the positive identification of them by the prosecution witnesses. As between the positive declarations of the prosecution witnesses and the negative statements of the accused, the former deserve more credence and weight.<sup>[15]</sup> As found by the trial court, Jaen and the police officer were able to identify the petitioners, as among those who staged the robbery inside the bus, thus: